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IN THE UNITED STATES PATENT OFFICE

In re application of: Harry E. Smith

Title: "An Enhanced Guardrail"

Serial No. 10/654,824

Filed: 09/04/2003

Examiner: Gary Hartmann, Group Art Unit 3671

Provisional Election Upon Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 27, 2004, applicant provisionally elects, with traverse, the guardrail of Group I (claims 1-9, 11, and 13).



Certificate of Mailing

I hereby certify that the foregoing Provisional Election Upon Restriction Requirement is being facsimile transmitted to the United States Patent and Trademark Office or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 27 day of October, 2004.

A handwritten signature in cursive script, appearing to read "Daniel A. Sullivan, Jr.", written over a horizontal line.

Daniel A. Sullivan, Jr.

Date of Signature: October 27, 2004